

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BROWN PUBLISHING COMPANY, :
Plaintiff(s), :
vs. : Case Number: 1:08cv585
EMPLOYER BENEFIT SERVICES of OHIO, : Chief Judge Susan J. Dlott
Inc., :
Defendant(s). :

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Black. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on November 26, 2008 a Report and Recommendation (Doc. 11). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 12), defendant also filed objections to the Report and Recommendation (Doc. 13). Defendant also filed a response in opposition to plaintiff's objections to the Report and Recommendation (Doc. 14).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

The Court also finds that based on the facts of this case, Defendant, the removing party, lacked an objectively reasonable basis for seeking removal, and the Court finds that plaintiff is entitled to its attorneys' fees and expenses pursuant to 28 U.S.C. § 1447 (c).

This Court also **ORDERS** that plaintiff be awarded its attorneys' fees and expenses against defendant which were incurred as a result of the improper removal of this action. pursuant to the Rules of the Southern District of Ohio, plaintiff must submit supporting documentation with respect to its fees and expenses within 45 days.

Accordingly, plaintiff's motion to remand (Doc. 6) is **GRANTED**. This case is **REMANDED** to the Hamilton County Court of Common Pleas.

Other than the award of attorneys' fees and expenses, this case can be **TERMINATED** on the Court's docket.

IT IS SO ORDERED.

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s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court